



---

# Appeal Decision

Site visit made on 9 July 2024

**by Paul Martinson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> August 2024**

---

**Appeal Ref: APP/A4710/Z/24/3340667**

**Dean Clough Mills, Car Park South Of Bowling Mill, Crib Lane, HALIFAX, HX3 5AX**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Dean Clough Ltd against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref is 23/10028/ADV.
  - The advertisement proposed is Installation of 1 x 48 sheet freestanding LED illuminated advertising display unit, mounted on a two-legged support structure, measuring 6.4m in width x 3.4m in height and comprising a pressed metal frame and sealed LED screen..
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed advertisement on public safety and on the amenity of the area.

## Reasons

### *Public Safety*

3. The appeal site lies within the car park adjacent to the barrier at the far edge of the pavement at the Orange Street roundabout. The proposed LED unit would be elevated above the level of the barrier so that it would be visible from vehicles negotiating the roundabout.
4. On my site visit, I drove around the roundabout from each direction and I observed the traffic movements, which, on a Tuesday afternoon, were high. The roundabout is controlled by signals and lane changes are required. Some vehicles approach the junction at high speeds, anticipating a change in the signals. Drivers are required to concentrate on these signals, road markings identifying the lanes, and other vehicles, especially those that are changing lanes. As such, the appeal site is located within an area where a high level of driver concentration is required. In such circumstances, even a small distraction for a small period of time could cause a traffic accident.
5. Owing to its position on a roundabout, the proposed LED unit would be primarily visible by those rounding the roundabout from the south along the A58 and A629. It would also be partially visible at close range by those rounding the roundabout from the north along the A629, where it would be seen at close range. Given that the full concentration of drivers is required to

safely negotiate the junction, this could lead to an undue distraction which could cause an accident.

6. The screen would be located very close to the signal heads from the perspective of drivers approaching the stop line on the A629 and A58 approaches from the south. Given this proximity, the illuminated advertisement would be seen in the same eyeline as the signal heads by drivers approaching the junction. As such, there is a high likelihood that some drivers concentrating on the signals would be distracted by the LED unit. Were an image changeover to occur at such a time when signals are expected to change, this could amount to an even greater distraction to road users approaching the signals. On this basis, at such a busy junction, the advertisement would cause an unacceptable distraction which could lead to an accident, to the detriment of public safety.
7. Both parties have referenced the Planning Practice Guidance (PPG). One of the main types of advertisement identified by the PPG as having potential to cause danger to road users are those which, because of their size or siting, would reduce the clarity or effectiveness of a traffic sign or signal. For the above reasons, the appeal advertisement would fall within that category.
8. I acknowledge the points raised by the appellant with regard to LED illuminated advertisements now being a common sight on arterial roads in major towns and cities. However, just because something is not unusual it does not mean it would not be a distraction to drivers.
9. I have had regard to the appellant's suggestion that there have been a low number of accidents at the junction (5 in 5 years), however accidents have still occurred. I have had regard to the possibility of restricting the frequency of the changeover of the advertisement, however, I have limited details as to what would be possible operationally and, for the reasons set out above, control over the transition alone does not convince me that the proposal would not result in an increased risk to road users and reduction in highway safety.
10. I have been directed to three previous advertisement consent approvals in different Council areas. The appellant cites these as evidence that the proposed development would not be prejudicial to public safety. However, it is clear two<sup>1</sup> of these do not relate to roundabouts with traffic signals. The third<sup>2</sup>, dating from 2017 and relating to a roundabout in Manchester, includes a photograph taken a considerable distance away from the installation, making it difficult to assess any similarity or difference between that and the appeal proposal. Nonetheless, it does not appear to be as close to signals, nor does it appear to be in the same line of sight as those signals, as is the case with the appeal scheme. I also note that the LED unit replaced an earlier installation. Accordingly, the circumstances in the cases referred to are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal on the basis of the evidence before me.
11. For the above reasons I therefore conclude that the proposed advertisement would adversely affect public safety. In its reasons for refusal, the Council cited the provisions of the National Planning Policy Framework (the Framework),

---

<sup>1</sup> Ref 19/01964/HOARD & 16/00527/ADV.

<sup>2</sup> Ref 101787/AOH/2013.

which seeks to ensure that proposals for advertisements have regard to the potential impact on public safety, which supports my above conclusion.

### *Amenity*

12. Dean Clough is a former industrial area containing a number of Grade II listed buildings, the majority of which are former mills that have mostly been converted to alternative uses such as office space. The Grade II listed<sup>3</sup> G and K Mills and Associated Range lies to the south of the building group.
13. The listed building comprises of G Mill, a former spinning mill, K Mill, a former warehouse and store and subsidiary former stores, stables and workshops, dated 1867 and 1891. G Mill is a substantial stone building of nine storeys, whilst K Mill to the west, is lower, being of 5 storeys, also of stone, and with a hipped roof. Their Victorian industrial character, reflective of Halifax's industrial past, arises from their scale, the regular arrangement of fenestration, and their context within a group of such buildings. This makes a positive contribution to the visual amenity of the area of Dean Clough.
14. The appeal site lies across the car park from the listed building, adjacent to the southern boundary with the highway. The car park is one of a number of car parks around Dean Clough serving the former mill buildings and includes numerous trees and landscaping. These provide screening of the busy roundabout in views from the building.
15. Close to the appeal site however, the barriers, the highway signage, traffic lights, tall lighting columns and other highway structures associated with the roundabout are highly visible within a relatively confined area alongside the presence of constant moving traffic. The provision of a tall LED unit immediately adjacent to the barrier would be seen in this urban context and consequently it would not appear discordant or intrusive in this setting. Views of the LED unit from the listed building and the spaces around it would be limited by the landscaping and the change in levels. Were any views possible, these would be seen alongside the extensive range of existing highway structures. On this basis, the proposed advertisement would not adversely affect the Victorian industrial character of the listed building or the Dean Clough building group.
16. For the above reasons, the proposal would preserve the visual amenity of the area. Policy BT1 of the Calderdale Local Plan (2023) and the provisions of the Framework seek to protect visual amenity and so are material in this case. Given I have concluded that the proposal would not harm visual amenity, the proposal complies with the provisions of the policy and the Framework insofar as they relate to that matter.

### **Other Matters**

17. The appellant has referred to a lack of communication and advice from the Council during the period of the consideration of the advertisement consent application. This however relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I have noted that history, I have nonetheless determined the appeal scheme with regard to its planning merits in terms of amenity and public safety.

---

<sup>3</sup> List Entry Number: 1272813.

## **Conclusion**

18. Although I have found that the advertisement would not have an unacceptable impact on the visual amenity of the area, it would harm public safety. For the reasons given above the appeal is dismissed.

*Paul Martinson*

INSPECTOR